

**REMARKS**

This application has been reviewed in light of the Office Action dated June 25, 2004. Claims 1-9 are pending in the application. By the present amendment, claims 1-5, and 7-8 have been amended. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, claims 1-2 and 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Iggulden et al. (U.S. Patent No. 5,692,093, hereinafter Iggulden) in view of Hassell et al. (U.S. Application 2003/0154478, hereinafter Hassell).

The Applicant respectfully disagrees with the rejection for at least the following reasons.

The Examiner has combined references to attempt to establish a prima facie case of obviousness. Without reaching the merits of the Examiner's rejection, the Hassell reference is antedated by the present application and as such, the combination rejection fails.

Hassell was filed as a continuation application from its parent, which was filed on September 17, 1998 (its earliest date). The present application was filed in the U.S. on June 7, 1999, claiming priority to a German application (19828072.6) filed on June 24, 1998. This date is before the earliest date of the Hassell reference. Therefore, Hassell should be removed from the cited combination, and as such the cited combination fails to render obvious the present claims as presented. A copy of the Declaration filed concurrently with the application is submitted herewith showing the Foreign Priority Application data listed thereon.

Furthermore, claim 1 of the present invention, includes, *inter alia*, ... the end of each programme part which is intended to be suppressed in the event of subsequent reproduction, such as advertising blocks, are sought and associated information items are collected, which are used in

order either subsequently record associated navigation data for completely avoiding any kind of reproduction of these programme parts on the storage medium or to perform resorting of the recorded data cells and that the parts are packed as closely as possible without the interruptive programme parts.

Iggulden fast-forwards over commercials by creating a separate map of each recording. When a commercial is encountered in accordance with the synchronized map, the recording is fast-forwarded over the commercial. This is completely different from the present invention, which eliminates undesirable (suppressed) segments and packs together desirable segments, which remain.

The Examiner stated that Iggulden fails to disclose at least the feature of avoiding any kind of reproduction of program parts during the reproduction of the program contribution as set forth in claims 1, 6 and 7. The Applicant agrees. Since Hassell is antedated and Iggulden fails to disclose all of the elements of the present claims, claims 1-2 and 6-7 are in condition for allowance over the cited combination and Iggulden whether taken alone or in combination. Early and favorable reconsideration is respectfully requested.

By the Office Action, claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Iggulden in view of Hassell and further in view of Kawamura et al. (WO 97/06531, hereinafter Kawamura).

Claim 3 depends from claim and is therefore allowable at least due to its dependency from claim 1.

By the Office Action, claims 4-5 and 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Iggulden, Hassell and Kawamura and further in view of Official Notice.

Claims 4-5 and 9 are believed to be in condition for allowance at least due to their dependency from claims 1 and 7, respectively as addressed above.

Claim 8 includes, *inter alia*, apparatus for the recording and reproduction of a programme contribution with a storage medium on which firstly the programme contribution including all parts such as advertising blocks is recorded... means for resorting the recorded data cells in order to store the data of the programme contribution such that they are packed as compactly as possible without the interruptive programme parts.

Claim 8 clearly recites a storage medium which includes ALL parts and that recorded data is resorted and packed on this medium. Iggulden, Kawamura and/or the Official Notice fail to disclose or suggest at least these aspects of the present invention.

Iggulden fast-forwards through segments; no resorting is even implied.

In Kawamura, an information carrier signal carries an information signal (see e.g., claim 1). The information signal includes a control program, which permits various versions of the same program to be transmitted. The program is arranged at the transmission side to provide content to receivers. This is completely different from the present invention as claimed, and in particular, no step or means for resorting recorded parts of a program contribution are disclosed or suggested at the receiver side from a storage medium. Many other differences exist between Kawamura and the present claims as well.

The Official Notice states that means for dubbing video is well known. However, the present claims (claim 8) includes, *inter alia*, means for resorting the recorded data cells in order to store the data of the programme contribution such that they are packed as compactly as possible without the interruptive programme parts.

In accordance with aspects of the present invention, the receiver of the segments,

resorts the segments by removing interruptive portions and packing the remaining segments together. This is performed on a storage medium after all programme parts have been recorded. This is performed on the storage medium and not by comparing selected portions with a control signal to see if a subscriber is to receive a particular version of a transmission (as set forth in Kawamura). Instead, in accordance with the present invention, all portions are recorded and then resorted. It is respectfully suggested that means for resorting the recorded data cells to store the data in a compact packing in a video recording is not disclosed or suggested by the cited art. Even if video dubbing is known as the Examiner suggests, such dubbing is not applicable to the "VCR-type" recording as set forth in the present invention. In addition, such dubbing does not provide for the removal of interruptive parts and the compact packing of the remaining parts in an apparatus from a single recording "on which firstly the programme contribution of all programme parts" is provided (see claim 8). It is therefore believed that the cited combination fails to disclose or suggest the present invention as claimed.

Further, the Examiner is respectfully requested to provide a reference predating the priority filing date of the present application supporting the well-known concepts set forth in the Official Notice.

The Applicant is uncertain how much the Hassell reference was relied upon in rejecting in claim 8. However, the elements of claim 8 are believed to be in condition for allowance over the cited combination since the cited references taken alone or in combination fail to disclose or suggest at least: means for resorting and packing the data cells, as compactly as possible, with interruptive portions removed... from a storage medium on which all parts were first recorded. Reconsideration is earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No.

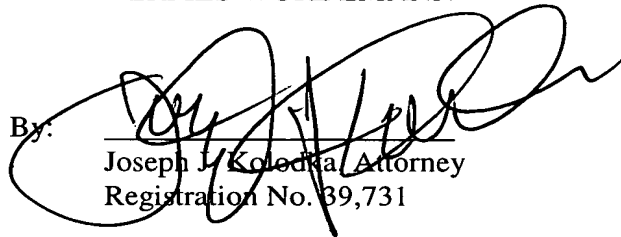
Respectfully submitted,

HERMES WORDEMANN

Date:

14 Sept 2004

By:

  
Joseph J. Koledka, Attorney  
Registration No. 39,731

**Mailing Address:**

**THOMSON LICENSING INC.  
2 Independence Way, Suite 200  
Princeton, NJ 08540**